



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष २, अंक ३९]

मंगळवार, नोव्हेंबर २२, २०१६/अग्रहायण १, शके १९३८

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असाधारण क्रमांक ५३

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 21st November 2016

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPB-4316/CR-157/2016/UD-11.—Whereas the Development Plan of “G/North” Ward of Greater Mumbai (hereinafter referred to as “the said plan”) has been sanctioned by the Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) *vide* the Urban Development Department’s Notification No. TPB-4391/2476/UD-11 (RDP), dated the 10th March 1992 and the same has come into force with effect from 20th April 1992;

And whereas, the plot of India United Mill No.6 belonging to the National Textile Corporation of India, bearing Final Plot No. 1163 (admeasuring approximately 4.84 Hectare) of Town Planning Scheme Mahim, No.-IV, and abutting 42.60 mt. wide Development Plan Road falls in Special Industrial Zone (I-3) (hereinafter referred to as “as the said land”);

And whereas, the Legislative Assembly and Legislative Council of Maharashtra State, in the Winter Session of the Legislature had unanimously passed a resolution on 20th December 2011 that the Government of India should be requested to transfer the land of India United Mill No.6 free of cost to the State Government for construction of “Grand Memorial of Bharat Ratna Dr. Babasaheb Ambedkar” (hereinafter referred to as ‘the said Memorial’), following which the Government of India had been requested to transfer the said land to the State Government for Construction of the said Memorial;

And whereas, the said request was under active consideration of the Government of India and whereas the NCZMA had also recommended in its 25th meeting dated 16th July 2012 to amend the CRZ Notification 2011 so as to allow change of use on the land from ‘Industrial’ to ‘Construction of Memorial of Bharat Ratna Dr. Babasaheb Ambedkar’;

And whereas, the Government found it expedient to urgently delete the said land from ‘Special Industrial Zone (I-3)’ and reserve the same for the reservation of ‘Grand Memorial of Bharat Ratna Dr. Babasaheb Ambedkar’, by including the same in surrounding Residential Zone;

And whereas, the Government, in exercise of the powers conferred under sub-section (1AA) of section 37, accordingly issued the Notice No. TPB-4312/CR-2/2012/UD-11, dated 1st December 2012 for inviting suggestions/objections from the general public with regard to the proposed modification for including the said land in Residential Zone and reserving the same for 'Grand Memorial of Bharat Ratna Dr. Babasaheb Ambedkar' (hereinafter referred to as "the proposed modification") and appointed Deputy Director of Town Planning, Brihanmumbai as the Officer (hereinafter referred to as "the said officer") to submit a report on the suggestions/objections received in respect of the proposed modification to the Government after giving hearing to the concerned persons and the Planning Authority;

And whereas, the said Notice was published in the *Maharashtra Government Gazette* (Extra Ordinary, Part-I, Konkan Division Supplementary) (hereinafter referred to as "the *Official Gazette*") dated 3rd December 2012 and the said Officer, after completing legal procedure, has submitted his report through the Director of Town Planning, Maharashtra State *vide* letter No.276 dated 8th March 2013;

And whereas, in Special Leave Petitions before the Hon'ble Supreme Court of India, the decision of Hon'ble High Court of Bombay in various writ petitions, recognizing Back Bay and Mahim Bay as "Bay" has been upheld and in the light of this, MCZMA is considering the cases on the basis of 100 mtr. maximum CRZ limit along these bays;

And whereas, following the aforesaid judicial orders and the consequent redemarcation of the Coastal Regulation Zone, out of the total 4.84 Hectare area of the said land, an area admeasuring approximately 2.03 Hectares now falls in CRZ and an area admeasuring approximately 2.81 Hectare falls outside CRZ ;

And whereas, *vide* letter No. D. O. No. 17th April 2011-NTC (Vol. VIII), dated 16th August 2016, the Government of India in the Ministry of Textiles have conveyed approval to the transfer of the said land to the Government of Maharashtra on certain terms and conditions;

And whereas, after considering the above circumstances, the suggestions/objections received from the general public, the report of the said Officer, and the say of the Planning Authority and after consulting the Director of Town Planning, Maharashtra State, the State Government is of the opinion that the proposed modification may presently be sanctioned for the part of the said land which does not fall in CRZ;

Now, therefore, in exercise of the powers conferred upon it under section 37(1AA)(c) of the said Act, the Government hereby,—

(A) Sanctions the proposed modification with changes as described in the Schedule appended hereto.

(B) Fixes the date of publication of this Notification in the *Official Gazette* as the date of coming into force of this sanctioned modification.

(C) Directs the Municipal Corporation of Greater Mumbai that, in the Schedule of Modifications appended to the Notification sanctioning the said Development Plan, after the last entry, a new entry as per the schedule appended hereto, shall be added.

A plan showing the sanctioned modification shall be kept open for inspection by the general public during the office hours on all working days at the following offices :—

(1) Office of the Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra-Kurla Complex, Bandra (East), Mumbai 400 051.

(2) Office of the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001.

(3) Office of the Chief Engineer (Development Plan) Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai 400 001.

This Notification shall also be available on the Government of Maharashtra website :
www.maharashtra.gov.in

Schedule

“(1) The area admeasuring approximately 2.81 Hectare, which does not fall in the Coastal Regulation Zone, out of total plot of land admeasuring approximately 4.84 Hectare, bearing final plot No. 1163 of Town Planning Scheme, Mahim No. IV, abutting 42.60 mt wide Development Plan Road (more particularly shown on the plan attached herewith), is deleted from “Special Industrial Zone (I-3)” and included in the surrounding Residential Zone and reserved for “Grand Memorial of Bharat Ratna Dr. Babasaheb Ambedkar”, for which the State Government shall be the Appropriate Authority.

(2) The decision on the remaining area admeasuring approximately 2.03 Hectare out of the aforesaid total plot of land, is kept in abeyance and the final notification in this regard will be issued after the Government of India effects amendment to the CRZ Notification dated 6th January 2011.”

By order and in the name of the Governor of Maharashtra,

KISHOR D. GIROLLA,
Under Secretary to Government.